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09/752,026	12/29/2000	Gary E. Sullivan	257/127	8705

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EXAMINER	
LE, DEBBIE M	

ART UNIT	PAPER NUMBER
2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/752,026	SULLIVAN ET AL.	
	Examiner	Art Unit	
	DEBBIE M. LE	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-8,10-17,19-21 and 25-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 5-8, 10-17, 19-21, 25-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments filed on November 29, 2007. Claims 26-27 are newly added claims. Claims 1-3, 5-8, 10-17, 19-21 and 25-27 are pending for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 5-8, 10-17, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US Patent 6,738,766 B2) in view of Moore et al (US Patent 7,000,015 B1) and further in view of Dharmarajan et al (US Patent 6,979,063 B1).

As per claim 1, Peng discloses a system for storing and retrieving data (col. 2, lines 32-48), comprising:

A memory configured to store an identifier including three or more variables for identifying each data stored in said system, wherein one of said at least three or more variables is a location variables (Figs. 2b, 3a-b, col. 4, lines 64, col. 5, lines 1-7).

Peng does not explicitly teach data including default preference data records, a physical location variable relating to a physical location of at least one device other than said computer system, and communication means for communicating at least one of said default preference data records to said at least one device. However, Moore teaches including default preference data records (Fig. 6b, personal configuration 610 or professional configuration 612 as location records (col. 26, lines 30-33), a physical location variable relating to a physical location of at least one device other than said computer system (Fig. 6a, col. 14, lines 41-57, a laptop 100 and three locations such as home, volunteer agency, and work place, where the laptops' owner 100 wishes to use) and communication means for communicating at least one of said default preference data records to said at least one device (col. 26, lines 35-50. 61-67, col. 27, lines 1-2, as API used by the service to discover the physical location information is formatted as a latitude, longitude pair). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to store a physical location variable relating to a physical location of at least one device other than said computer system, and communication means for communicating at least one of said default preference data records to said at least one device because it allows

users of Peng's system to register their physical location information to a server so that the server, in their precision of the location information said user provided, applications and services adequately conform their behavior to the realities of their locations in said user availability for a particular use.

Peng and Moore do not explicitly teach wherein one of said at least three variable being suitable for use as a wildcard in setting said default preferences. However, Dharmarajan discloses wherein one of said at least three variable being suitable for use as a wildcard in setting said default preferences (col. 7, lines 14-21, 43-47, as configuration settings file contains configuration settings and stores in a registry of computer, one of the parameter is undefined. The undefined parameter is as a wildcard character). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to implement wherein one of said at least three variable being suitable for use as a wildcard in setting said default preferences as disclosed by Dharmarajan because it would allow a server computer to move to different location within the network, but still function properly in its new location because of its wildcard definition has been registered in the configuration file. The advantage is that it allows a server computer to correctly configure itself regardless of its location within a network.

As per claims 2-3, 5-6, Peng teaches wherein one of said three or more variables is a device identification variable, a timestamp for prioritizing said data, wherein said system includes a registry for storing said data, wherein said registry is provided in a database structure (Fig. 8, Fig. 3b, col. 5, lines 1-3, 48-65).

As per claims 7-10, Peng teaches wherein said three or more variables includes a device identification variable, an application identification variable and a user identification variable, a timestamp for prioritizing data, wherein said system includes a registry and said registry includes a database structure for storing said data (Fig. 8, Fig. 3b, col. 5, lines 1-3, 48-65).

Claim 11 is rejected by the same rationale as state in independent claim 1 arguments.

As per claims 12-13, Peng teaches a means for providing a floating value to said at least three variables, a means for associating a time stamp to said data (col. 5, lines 1-3).

Claim 14 is rejected by the same rationale as state in independent claim 1 arguments. Furthermore, Dharmarajan teaches filing one of said variable with a wildcard for enabling default settings to be set for (i) users not listed in the computer registry and (ii) for users listed in the registry but having no preferences (col. 7, lines 14-21, 43-47, col. 8, lines 63-67, col. 9, lines 1-13, as configuration settings file contains configuration settings and stores in a registry of computer, one of the parameter is undefined. The undefined parameter is as a wildcard character and the USER-USTORE configuration setting identifies a location that stores information corresponding to the user of a client computer making the request).

Claims 15-17, 20-21 have similar limitations as claims 2-3, 5-10; therefore, they are rejected under the same subject matter.

As per claim 26, Moore teaches wherein said preference data is communicated to the at least one device from the computer in which said registry is stored (col. 23, lines 58-61, col. 27, lines 8-22).

As per claim 27, Moore teaches communicating said preference data to the at least one device from said computer system (col. 23, lines 58-61, col. 27, lines 8-22).

Claims 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US Patent 6,738,766 B2) in view of Moore et al (US Patent 7,000,015 B1), in view of Dharmarajan et al (US Patent 6,979,063 B1) and further in view of Guturu et al (US Patent 6,581,075 B1).

As per claim 19, Peng, Morre, Dharmarajan do not explicitly teach means for deleting one or more data items that has been superseded by a subsequent data having the same identifier, but a higher time stamp value. However, Guturu teaches means for deleting one or more data items that has been superseded by a subsequent data having the same identifier, but a higher time stamp value (abstract, lines 5-8). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to implement the step of deleting one or more data items that has been superseded by a subsequent data having the same identifier, but a higher time stamp value as disclosed by Guturu because it would provide the system to resolve the conflict arising from problem of replacement updated.

Claim 25 has similar limitation as stated in claim 19, therefore, it is rejected under the same subject matter.

Response to Arguments

Applicant's arguments filed November 29, 2007 have been fully considered but they are not persuasive.

Applicant argues on page 9, last four lines "that none on the cited references disclose or suggest "a physical location variable relating to a physical location of at least one device other than said computer system" and "communication means for communicating at least one of said default preference data records to said at least one device"".

In response, the examiner respectfully disagrees. The Figure 6a of Moore's reference was cited to show "a laptop 100" as *"a device"* and its three locations such as hone, volunteer agency, and work place" as *"physical location variable relating to"* the *device* that is "the laptop 100". Moore further discloses that API used by the service to discover information as "*communication means for communicating"* (Moore, col. 26, lines 35-50). Especially, Moore further teaches at col. 27, lines 8-22, col. 30, lines 33-36, col. 31, lines 1-9 that "the method of **discovering physical location** information by querying a **GPS** receiver **connected to the computer** ...in addition, an identifier of an access device gives the physical locations of the network access device, then the computer can determine its physical location as well is equivalent to applicant's claimed language "*communication means for communicating at least one of said default preference data records to said at least one device".* Accordingly, Moore's teachings is similar to the instant Application claimed invention as described in Figure 3 because the

Figure 3 of the instant Application also uses the **GPS**, element 337, **to locate "the physical location of the at least one device"**.

From the above passages, the combination of the cited references teach the limitations "a physical location variable relating to a physical location of at least one device other than said computer system" and "communication means for communicating at least one of said default preference data records to said at least one device."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571)272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Debbie M. Le

DEBBIE LE
PRIMARY EXAMINER
2/15/08